

REMARKS

I. STATUS OF THE CLAIMS

Claims 1, 9-17, 19, 20 and 22 have been amended. Claims 1-4, 8-17, 19, 20 and 22 are pending and under consideration.

II. ELECTION/RESTRICTION REQUIREMENT CORRECTION

The Office Action states that there was a typographical error by not including claim 22 in the Group I invention and that claim 22 has been examined. Accordingly, claim 22 has been included in the current amendment. (see Office Action item 1).

III. REJECTION UNDER 35 U.S.C. 101

Claims 19-20 were rejected under 35 U.S.C. 101 because the claims are allegedly directed to non-statutory subject matter. Claims 19 and 20 have been amended to recite "A computer program product encoded with a computer program..." Accordingly, applicants submit that claims 19 and 20 are statutory under 35 U.S.C. 101.

Therefore, applicants respectfully request the rejection under 35 U.S.C. 101 be withdrawn.

IV. REJECTION UNDER 35 U.S.C. 103(a)

Claims 1-4, 8-17, 19, 20 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Drambacks (U.S. Pub. No. 2005/0069034 A1) in view of Kilkki et al. (U.S. Pub. No. 2004/0264377 A1). Applicants assert that this rejection is overcome by perfecting priority of the present application.

Drambacks has a publication date of March 31, 2005 and was filed in the U.S. on October 1, 2002. Accordingly, even as a reference under 35 U.S.C. 102(e), the earliest *effective date* of Drambacks is **October 1, 2002**. Applicants assert that the reference is overcome by perfecting priority of the present application to Japanese Patent Application No. 2002-282044, which was filed on **September 26, 2002**. A verified translation of Japanese Patent Application No. 2002-282044 is enclosed herewith.

Accordingly, applicants submit that Drambacks is overcome as a reference, and therefore, claims 1-4, 8-17, 19, 20 and 22 are patentable over the combination of Drambacks and Kilkki.

Accordingly, applicants respectfully request the 35 U.S.C. 103(a) rejection be withdrawn.

V. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

10/2/7

By: _____



Randall Beckers
Registration No. 30,358

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501